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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/630,872	08/02/2000	Yoshio Kitamura	450100-02642	7935
20999	7590	02/24/2004		
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER DESIR, JEAN WICEL	
			ART UNIT 2614	PAPER NUMBER 13
DATE MAILED: 02/24/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/630,872

Applicant(s)

KITAMURA ET AL.

Examiner

Jean W. Désir

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/3/03, Amendment entered by RCE-2/3/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garland (US 6,366,359) in view of Inuiya et al (US 5,905,529).

Claim 1:

Garland discloses:

“reception means for receiving digital broadcasting” see Fig. 2 item 202;

“storage means for storing picture data of digital broadcasting, received by said reception means, in terms of a frame of a picture demonstrated on a picture display device”, see Fig. 2 items 212, 208;

“printing data creating means for acquiring the picture data stored in said storage means for preparing data for printing based on said picture data”, see Fig. 2 items 214, 216;

“printing command input means for receiving printing commands”, see col. 3 lines 21-26, Fig. 2 item 210;

“control means for controlling the writing operation in said storage means, wherein when said printing command input means receives a printing command to print

a picture demonstrated on said picture display device", see Fig. 2 items 210, 212, col. 4 lines 33-40, col. 2 lines 32-35,

the claimed limitation "said control means causes no new picture data to be written to said storage means during the time between when said printing command input means receives said printing command and when printing is complete" is not explicitly described in Garland's disclosure. However, the claimed limitation is a very well known structure in the art (as evidence see Inuiya at Fig. 6 items 36, 32, col. 19 lines 33-34, where it is clearly stated that the control means (36) will not apply write signal to the storage means until printing operation is complete), because of limited capacity of the storage means - an artisan would be motivated to implement this structure in Garland's disclosure - and this implementation would also prevent from overwriting the picture data to be printed. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made. Claim 2 is disclosed, see Fig. 2 items 216, 214, 208.

Claim 3 is rejected for the same obviousness reasons discussed in the rejection of claim 1.

Claim 4 is disclosed, see Fig. 2 items 214, 208, 216.

Claim 5 is rejected for the same reasons as claim 1.

Claims 6, 7 are rejected for the same reasons as claims 3, 4.

Response to Arguments

3. Applicant's arguments have been considered but are moot in view of the reinterpretation of the references necessitated by the Amendment.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean W. Désir whose telephone number is (703) 308 9571. The examiner can normally be reached on 5/4/9 - First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (703) 305 4795. The fax phone number for the organization where this application or proceeding is assigned is (703) 872 9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306 0377.

JWD
Feb. 21, 04


MICHAEL H. LEE
PRIMARY EXAMINER